

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

MASTER FILE NO. 12-md-02311

HON. MARIANNE O. BATTANI

THIS DOCUMENT RELATES TO:

ALL ACTIONS

/

ORDER FURTHER MODIFYING STIPULATED ORDER OF DISCOVERY

On December 23, 2013, the Court granted the United States' Request for a Temporary and Limited Stay of Certain Discovery. (Doc. No. 664). After the Department of Justice, Antitrust Division status report on the criminal investigation into antitrust conduct in the auto parts industry, dated June 20, 2013, the Court lifted that stay on the substantive/merits depositions and any discovery in three of the Initial Cases--2:12-cv-00100 - Wire Harness Cases; 2:12-cv-00300 - Fuel Senders Cases; and 2:12-cv-00400 - Heater Control Panel Cases. (See Doc. No. 750).

Pursuant to the October 6, 2015, status report provided to the Court, additional modifications to the Stipulated Order of Discovery are warranted. Accordingly, document discovery with respect to the following parts may proceed:

12-200	Instrument Panel Clusters
12-500	Bearings
12-600	Occupant Safety Systems
13-700	Alternators
13-800	Anti-Vibrational Rubber Parts
13-900	Windshield Wipers

13-1000	Radiators
13-1100	Starters
13-1200	Automotive Lamps
13-1300	Switches
13-1400	Ignition Coils
13-1500	Motor Generators
13-1600	Steering Angle Sensors
13-1700	HID Ballasts
13-1800	Inverters
13-1900	Electronic Powered Steering Assemblies
13-2000	Air Flow Meters
13-2100	Fan Motors
13-2200	Fuel Injection Systems
13-2300	Power Window Motors
13-2400	Automatic Transmission Fluid Warmers
13-2500	Valve Timing Control Devices
13-2600	Electronic Throttle Bodies
13-2700	Air Conditioning Systems
13-2800	Windshield Washer Systems
14-2900	Automotive Constant Joint Boot products
15-3000	Spark Plugs

With regard to the depositions, the Antitrust Division requests that notice be sent to the Division, to the attention of Paul T. Gallagher, Paul.Gallagher2@usdoj.gov, no later than ten days before a deposition is scheduled to take place. Any Defendant receiving a Rule 30(b)(6) notice shall inform the Division of the name of the individual it will designate as the 30(b)(6) witness. If the Division believes that the deposition testimony of a particular witness could disrupt any on-going investigations and/or prosecution, the Division will advise the parties of its position and request that the deposition not go forward. If the party noticing the deposition intends to proceed despite the objection; leave of the Court to proceed must be sought.

All other provisions of the December 23, 2013, Stipulated Order that have not been modified to date remain in effect. The Court draws the parties' attention to page 4

of the Stipulated Order, which addresses agreed limitations relative to discovery from the Department of Justice (“DOJ”) after the stay is lifted:

After the stay is lifted, the parties may not seek discovery from the DOJ or any other party to the litigation or any alleged co-conspirator inquiring into the DOJ's or any federal grand jury investigations involving the Stayed Subjects with the following exception. Once any stay is lifted, any party may request that the Court permit it to discover from any individual or entity, but not the DOJ, statements made by any individual or entity to the DOJ, subject to the rights of DOJ and any other party to object to such request. DOJ has indicated to Plaintiffs that, depending on the specific request made, if any, it likely will object to any attempt to discover from Defendants' files statements made to DOJ during the course of its auto parts investigation. Any objection made by DOJ or any party will ultimately be resolved by this Court if it cannot be resolved by the parties.

(Doc. No. 664 in 12-2311).

Notably, in its report to the Court, the Antitrust Division of the United States Department of Justice has indicated that it will object to discovery of any statement made to, or materials provided to, the Division during the course of any corporate or individual plea negotiations, or pursuant to any corporate or individual cooperation with the Division, whether voluntary, pursuant to a plea agreement, or pursuant to the Leniency Program.

IT IS SO ORDERED.

Date: November 19, 2015

s/Marianne O. Battani

MARIANNE O. BATTANI

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on November 19, 2015.

s/ Kay Doaks
Case Manager